

SYSTEMSTATS

North Carolina Criminal Justice Analysis Center

Governor's Crime Commission

Pretrial Service Programs in North Carolina: A Process and Impact Assessment

Pretrial services cut the Gaston County jail recidivism rate in half

The Gaston County jail recidivism rate held steady at about 25 percent. Within a year after Pathways, Inc. and ACP, Inc. Pretrial Services Program Expansion provided a fulltime licensed clinical abuse specialist in the jail and contracted in-house substance abuse education and cognitive behavioral intervention, the recidivism rate dropped 50 percent to just over 13 percent.

The message is very simple and powerful:

A comprehensive system of networked pretrial services for case-by-case systems management of offenders which includes counseling, education, behavioral modification, placement, and referral services, works.



Gaston County Courthouse and Jail

- Since 2002, Gaston Pretrial Services has saved Gaston County taxpayers over \$6.2 million dollars annually in jail costs.
- Recidivism rates are still holding steady after 18 months.
- Managing jail populations means that the need for a new \$40 million jail has been delayed until well after 2010.
- The program from July 06 to June 07 has saved 271,955 bed-days.

Introduction

This SystemStats presents selected findings from a larger study that sought to assess the impact of North Carolina's pretrial service programs. The study sought to analyze both program processes and the perceived impact that these programs exert on the community, program clientele or defendants, jail populations and judicial processing. Program budgetary data was compiled in an effort to obtain reliable estimates on annual program operations, as was cost comparison data between maintaining defendants in pretrial programs versus the local county detention facility.

Performance measurement data on the number and types of defendants served as well as outcome data, such as the number successfully completing pretrial program requirements was also analyzed in an effort to assess the impact of these pretrial service programs. Data were collected by surveying the pretrial program directors of the state's 33 programs and constituents of these programs, i.e. jail administrators, chief district court judges and magistrates.

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Results

Responses were obtained from 23 pretrial service program directors (70%) and 29 program constituents (16%) resulting in a cumulative return rate of 25 percent.

Pretrial Service Programs

Table 1 depicts the current annual operating budgets for the responding pretrial programs by the size of their respective jurisdictions. The operational budgets varied considerably and ranged from a low of \$19,880 to a group high of \$563,480 with an average of \$181,785 across the programs. The median, or midpoint, was considerably lower with an annual operat-

ing budget of \$80,500. Twenty-one (91%) of the programs do not pay rent or lease office space suggesting that the majority of their funds go directly to staff salaries and clientele services.

Survey data indicate that program funding is overwhelmingly a county responsibility with no state, federal or private foundation funds supporting these programs. Almost every program (22 out of 23) reported that 100% of their budget came from county funds. Only one program varied with 90 percent of their budget being drawn from county funds and the remaining 10 percent from service fees.

Table 1 **Average Annual Operating Budget x Population Group**

Population	Number	Range	Average Operating Budget
Less than 50,000	3	\$19,880 – 81,000	\$45,293
50,000 – 100,000	4	\$20,000 – 75,000	\$36,279
100,001 – 500,000	12	\$36,000 – 563,480	\$251,226
500,001 – 1,000,000	1		\$340,000

Program directors were asked to list the various services which are offered through their pretrial service programs. The most common services offered include substance abuse (91%) and mental health referrals (78%) followed by drug testing (70%), electronic monitoring (57%) and alcohol testing (48%). Other services included GED classes, career development/vocational counseling and anger management courses. The majority of these programs do not levy financial charges or require defendants to pay for the receipt of services (87%).

Table 2 (page 3) outlines information on the various types of offenders eligible for program participation. Misdemeanant and non-violent felons (96%) were the most commonly accepted types of offenders followed by traffic offenders (87%) and the mentally ill (61%). Fewer programs accepted juvenile offenders (39%) and only 30 percent accepted violent felons into their respective programs.

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Table 2 Number and Type of Offenders Accepted into Pretrial Service Programs

Offender Type	Number of Programs Accepting	Percent
Violent Felons	7	30%
Non-violent Felons	22	96%
Misdemeanants	22	96%
Traffic	20	87%
Juvenile	9	39%
Mentally Ill	14	61%

Commenting on the effect of pretrial programs on the local judicial and detention systems nearly half (44%) of the pretrial program directors surprisingly stated that their programs have no effect on speeding up the local judicial process while another 17 percent stated they were unsure of the effect. Eight (35%) either agreed or strongly agreed that pretrial programs reduce the number of trials while 13 percent disagreed.

The remaining 12 (52%) indicated they viewed pretrial programs as having no effect or were unsure as to the effect on the number of trials (Refer to Figures 1 and 2). All of the respondents either slightly agreed (9%) or strongly agreed (91%) that pretrial programs do reduce the size of jail populations.

Figure 1 : Effect of Pretrial Programs on Judicial Process

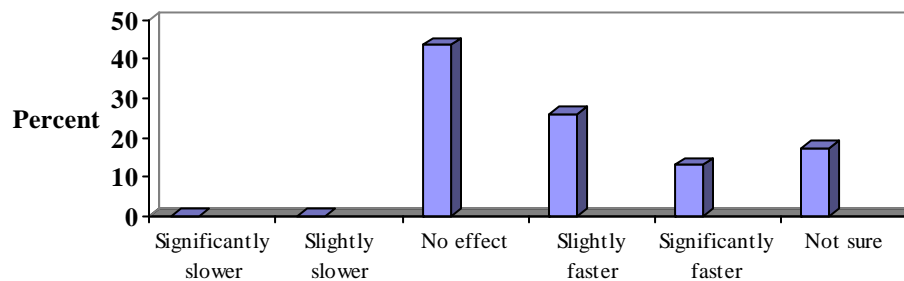
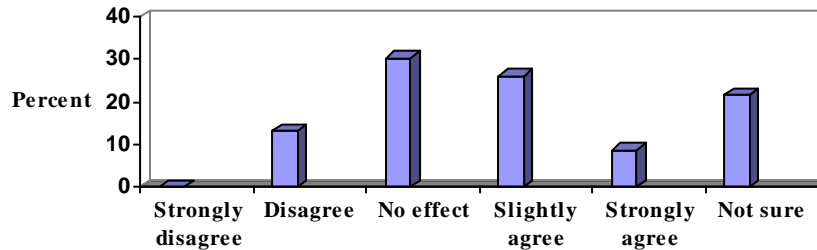


Figure 2 : Effect of Pretrial Programs on Number of Trials



All but one of the survey respondents agreed that the pretrial service programs had a significantly positive impact on the community. Using an open-ended question, to probe for more information on what impact these programs have, the respondents offered numerous comments which were clustered into two primary response categories. Respondents noted the positive effect that these services have on program participants in terms of keeping them in the community with family and vocational responsibilities remaining intact (52%) and the cost savings associated with these programs versus the cost of detention (39%).

Program Impact

Table 3 (page 5) presents program admission and completion data for 27 of the state's 33 pretrial service programs, as well as their respective success rates for fiscal year 2005-2006. The number of program admissions ranged from a low of 12 to a high of 6,232 with a total of 14,995 admissions or an average of 555 per program.

The number of successful completions (i.e. no new arrests or violations of program stipulations, during the defendants' time in the program) ranged from six to 4,752. A total of 11,602 persons successfully completed a pretrial program during fiscal year 2005-2006 for an average of 430 per program. The number of programs with success rates at, or above 50 percent, was 26 or 96 percent of the total sample. Completion rates ranged from a low of 47 percent to a sample high of 100 percent with the average completion rate for these 27 programs being 77 percent.

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Table 3 - Pretrial Service Programs Admissions and Completions

Program	Number of Admissions	Number of Completions	Success Rate (percentage)
Alexander	40	24	60
Brunswick	101	56	55
Buncombe	1,055	801	76
Catawba	298	298	100
Cumberland	366	310	85
Davie	60	42	70
Edgecombe	202	144	71
Forsyth	398	221	56
Gaston	1,400	1,246	89
Guilford	137	69	50
Harnett	114	67	59
Henderson	19	13	68
Mecklenburg	6,232	4,752	76
Montgomery	53	25	47
Moore	55	34	62
New Hanover	828	630	76
Orange-Chatham	128	83	65
Randolph	130	48	37
Robeson	95	87	92
Rockingham	51	44	86
Rowan	513	340	66
Stokes	12	6	50
Surry	95	54	57
Wake Pretrial			
Elec. Monitoring	205	172	84
Wake ReEntry	2,302	1,943	84
Wilkes	61	57	93
Yadkin	45	36	80
Total	14,995	11,602	77

Sources: North Carolina Sentencing and Policy Advisory Commission Survey data from pretrial program directors: FY 2005/2006

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Table 4 depicts cost comparison data for pretrial programs and incarceration in local detention facilities on an average daily basis per offender, as well as aggregate costs for maintaining the average number of offenders in pretrial programs, as opposed to housing them in a detention facility. For example: New Hanover's pretrial program services an average of 200 people per day at a daily cost of \$6.54. These individuals remain in the program for an average of 180 days at a total cost of \$235,440. Housing these same 200 offenders in the local detention

facility for six months would cost the county \$2.88 million. Thus, maintaining these offenders in the community and under pretrial supervision saves the county \$2.64 million. Cost savings are clearly indicated for each of the ten pretrial service programs with an average cost savings of \$ 1.05 million. At an average cost of \$6.04 per offender, per day, pretrial service programs offer a significant savings potential for the counties which, on average, expend \$ 57.30 a day to house an arrestee in the local detention facility.

Table 4 - Cost Comparison for Pretrial Service Programs versus Incarceration

County	Daily Pop.	Length of Stay	Pretrial Service Program		Incarceration		Cost Savings
			Cost/Day/ Offender	Total Cost	Cost/Day/ Offender	Total Cost	
Brunswick	50	134 days	\$2.87	\$ 19,229	\$46	\$308,200	\$288,971
Buncombe	263	66 days	\$4.85	\$ 841,863	\$77	\$1,336,566	\$494,703
Cumberland	93	30 days	\$1.76	\$4,910	\$62.88	\$175,435	\$170,525
Guilford	80	165 days	\$7.90	\$ 104,280	\$58	\$765,600	\$661,320
New Hanover	200	180 days	\$6.54	\$ 235,440	\$80	\$2,880,000	\$2,644,560
Orange-Chatham	42	106 days	\$1.85	\$8,236	\$55	\$244,860	\$ 236,624
Robeson	76	186 days	\$ 11.75	\$ 166,098	\$32.54	\$ 459,985	\$293,887
Wake Pretrial Electronic Monitoring	63.6	113 days	\$ 10.74	\$ 77,186	\$ 56	\$ 402,461	\$ 325,275
Wake ReEntry, Inc.	852	135 days	\$2.17	\$ 249,593	\$ 56	\$6,441,120	\$6,191,527
Wilkes	18.7	68 days	\$ 10	\$ 12,716	\$ 50	\$63,580	\$ 50,864
Average	173.8	118 days	\$6.04	\$ 123,870	\$ 57.30	\$1,175,131	\$1,051,261

Source: North Carolina Sentencing and Policy Advisory Commission. Data based on FY 2005-06.

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Table 5 - Impact of Pretrial Programs on County Detention Facility Populations

County	Rated Capacity ¹	Average Daily Detention Population ²	Percent Overcrowded	Average Daily Pretrial Population	Percent Overcrowded w/out Pretrial Program
Brunswick	196	299	53	50	78
Buncombe	356	513	44	263	118
Cumberland	568	523	0	93	9
Davie	72	46	0	20	0
Edgecombe	338	289	0	60	3
Forsyth	1016	926	0	151	6
Guilford	808	874	8	80	18
Harnett	84	141	68	1	69
Moore	110	122	11	21	30
New Hanover	648	561	0	200	17
Orange-Chatham	185	205	11	42	34
Robeson	410	433	6	76	24
Rowan	162	246	52	250	206
Stokes	68	63	0	5	0
Surry	137	148	8	35	34
Wake Pretrial Electronic Monitoring	1320	1166	0	64	0
Wake ReEntry, Inc.	1320	1166	0	852	53
Wilkes	90	15	0	19	0
Average	386.4	386.5	.03	134.2	34.8

Sources: North Carolina Sentencing and Policy Advisory Commission
North Carolina Department of Health and Human Services, Division of Facility Services

¹ Rated capacity derived from DHHS closest inspection reports

² Average daily detention populations based on November 2006 local confinement reports

Table 5 depicts the impact of pretrial service programs on 17 different county detention facilities. During November 2006, nine of these facilities had average daily populations in excess of their respective rated capacities. Overcrowding ranged from a low of five percent in Robeson County to a high of 68 percent in Harnett County. Eight facilities were not over their rated capacity during this period. Assuming that pretrial service programs were not available, and the average number of people in these programs would remain in jail, produces a dramatic effect on the county detention facilities' populations. If pretrial programs were non-existent the number of overcrowded facilities would increase from nine to 14 with overcrowding ranging from a low of 3 percent in Edgecombe County to a high of 206 percent in Rowan County.

Averages across these 17 county facilities reveal a slight and negligible overcrowding problem (.03%). However, pretrial service programs remove an average of 134 arrestees from these detention centers. Removing the pretrial service programs and keeping these offenders in custody would increase the average daily detention population from 386 to 520 and exacerbate overcrowding by a factor greater than 1,000, driving the average daily detention population 35 percent beyond the average rated capacity.

Pretrial Service Program Constituents

As part of the study, members of constituent agencies which may benefit from pretrial programs were asked to rate their local programs on a variety of measures ranging from poor to excellent. Responses indicate that pretrial program staff do provide adequate and complete written reports to court personnel with 50 percent, of the responding constituents, rating this function as being above average while another 17 percent described these reports as being excellent. The remaining third assigned ratings at an average to poor level.

None of the respondents felt that pretrial services did less than average when it came to making recommendations about the defendant's release. Of those respondents who answered this question 14 percent gave pretrial services an average rating, 59 percent

gave an above-average rating and 27 percent gave an excellent rating. Respondents were also asked to assess how these recommendations were received by the courts, i.e. what percentage of their recommendations were adopted. Responses ranged from 20 percent to 98 percent with a mean of 83 percent of the pretrial program recommendations being adopted and implemented by court personnel.

Commenting on the extent of supervision, that is provided upon an arrestee's release, none of the respondents gave the pretrial services a poor rating. The vast majority gave an above average or excellent rating, while one-third of the respondents said the programs were average. Only one classified supervision as below average.

In a similar vein, constituents were asked to rate their pretrial programs on their ability to provide needed services, such as substance abuse counseling, for defendants. Four percent felt that the pretrial service programs did a poor job of assisting defendants in this area, 8 percent gave the pretrial services a below-average rating, 28 percent gave them an average rating, 28 percent gave them an above-average rating, and 32 percent gave them an excellent rating. The distribution of answers was more varied but like previous questions the majority of the responses fell into the average to excellent range.

Respondents were asked to outline both the major strengths and weaknesses of the pretrial programs in their counties through a series of open-ended questions. The four most common strengths were good supervision of defendants, competence of pretrial staff/ responsiveness, reduces overcrowding of the jail's pretrial population and, substance abuse counseling/ access to services. Conversely, the major weaknesses included a lack of sufficient funding, as well as a lack of adequate staff, and the unavailability of free services or services in general. Other responses included not enough communication with the jail and excessively large caseloads.

Commenting on the effect of pretrial service programs on the local judicial process, 74 percent of the respondents stated that these programs have a positive effect on the courts and do facilitate or increase the speed at which cases are processed. Only five of the constituents (19%) felt that these programs exerted no effect on the local judicial process with none of the respondents suggesting that the programs were deleterious or hindered the speed at which the local judicial system operates. Slightly less than half of the respondents (46%) stated that pretrial programs significantly reduce the number of trials in their local jurisdictions while 32 percent felt that these programs exert no effect on reducing the number of trials. Only one respondent (4%) strongly disagreed with the assumption that pretrial programs can reduce the number of trials.

Commenting on the efficacy of pretrial programs to reduce local detention populations, the respondents' perceptions validate the data presented in Table 5 (page 7) with 69 percent strongly agreeing that these programs substantially reduce the number of arrestees in the local jail. The remaining nine (31%) respondents slightly agreed with this statement; thus all of the responding constituents either agreed or strongly agreed that pretrial programs reduce jail or detention populations and consequently can assist in averting potential overcrowding concerns.

An overwhelming majority (86%) of the constituents agreed that pretrial programs ensure that defendants will appear on their respective court dates with the remaining respondents being unable to comment on this guarantee or disagreeing with the notion that these programs do ensure that the defendant will appear. Consequently, there is a strong perception that offenders who are under the supervision of pretrial program staff will show up for court thus reducing the number of failure to appear arrest warrants that must be issued as well as expediting their cases through the judicial process.

The perception that pretrial programs can assist offenders with rehabilitation at a greater degree of success, compared to seeking this assistance by themselves, was upheld by the majority of the responding

constituents (79%). Three respondents (11%) were unsure of this effect, two (7%) noted that pretrial programs had no effect in this area with only one (4%) disagreeing that defendants in pretrial programs are more likely to achieve rehabilitation.

A comparable percentage of the respondents also agreed that participation in a pretrial program can reduce offender recidivism with 57 percent slightly agreeing and 21 percent strongly agreeing that defendants are less likely to reoffend if they are involved in these programs. Only two (7%) individuals either disagreed or strongly disagreed with the assumption that pretrial programs can reduce another criminal act while the person is actively under pretrial supervision. Consequently, the fear or concern that offenders will continue their criminal involvement, while awaiting court appearances for an initial offense, may be exaggerated or even unfounded.

Constituents also expressed opinions surrounding the extent to which pretrial programs affect the local community and its members. Twenty-five (86%) members of the detention and court respondents rated these programs as having a positive impact on the community either slightly (48%) or significantly (38%). Expounding on this impact 34 percent noted that pretrial programs are cheaper than detention thus producing considerable cost savings for taxpayers. Twenty percent of those who completed the constituent survey stated that pretrial programs keep the offender in the community and in the household ensuring that the offender continues to work which in turn keeps the family intact and in a state of financial equilibrium. Three respondents (8%) suggested that pretrial release serves an important public relations role and improves the community members' perceptions of the criminal justice system.

Recommendations

Based upon the research and study findings the following recommendations are offered.

- 1. Increase the number of pretrial programs across the state**

Current data indicate that there are only 33 programs, offering services to 40 counties, in existence. Given a relatively low average operating budget, in comparison to other programs and detention costs, expanding these programs to more jurisdictions appears prudent. The surveyed pretrial programs rely heavily on county funding thus the use of Federal grant funds could offset some of these costs and/or be used as seed monies for establishing new programs.

2. Increase the use of pretrial service programs

Data from the North Carolina Sentencing and Policy Advisory Commission (2007) indicate that 88.8% of those programs, for which administrative data were provided, are currently operating under their program capacities with an average 48.1% vacancy rate. Consequently, local criminal justice policy makers should address this deficiency and develop alternatives for increasing the number of offenders who are eligible or otherwise available for utilizing the services of these programs.

3. Increase the use of research findings on effective practices and evidence based programs

More research should be conducted to identify effective program practices and existing programs should rely more heavily on these findings for improving effectiveness and efficiency. Existing programs should also consult with national organizations, such as the Pretrial Services Resource Center and the National Association of Pretrial Services Agencies, to identify how their work processes can be improved based on national standards, goals and evidence based programming. Newly created programs should also be developed around these standards and research findings to enhance the probability of program success and to demonstrate their efficacy to the local community and criminal justice agencies.

4. Increase the use of administrative data to include tracking client recidivism and outcomes upon release or termination from pretrial service programs

While the majority of the surveyed programs do an excellent job of collecting programmatic data, as exemplified through their ability to provide success/failure information and average daily costs, only 7 (30.4%) of the programs currently compile information on their clientele after they are released from participation. While collecting client outcome data may be burdensome for many programs, especially those with fewer staff members, this data would be extremely beneficial for documenting program efficacy and for justifying continuation and expansion funding.

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Child Support Application Filing Rates and Domestic Violence Protection Order Cases (SystemStats)

Pretrial Service Programs in North Carolina: A Process and Impact Assessment

The Bethesda Model: Providing A New Day for North Carolina's Suspended Youth

The New North Carolinians: Doing Justice for All in the Criminal Justice System: Providing Services to a Rising Hispanic and Latino Population in North Carolina

Maintaining Compliance with the JJDP Act in North Carolina (SystemStats)

Criminal Justice Funding in North Carolina: A System in Crisis

A Discussion of Incarceration and Its Alternatives in North Carolina

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The full report can be found on the North Carolina Governor's Crime Commission's website: www.ncgccd.org



SYSTEMSTATS

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